



# THE TRI-WEEKLY YEOMAN.

S. I. M. MAJOR—J. STODDARD JOHNSTON.

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## TERMS.

The Tri-Weekly Yeoman is published every Tuesday, Thursday, and Saturday, at five dollars per annum, in advance. It may be sent by mail at risk. The Weekly Yeoman is published every Friday at two dollars per annum, in advance. Liberal terms to Clubs.

## ADVERTISING.

Rates of advertising in Tri-Weekly:  
One square, first insertion.....\$1 00  
One square, each continuation.....25  
Rates of advertising in Weekly:  
One square, 10 lines nonpareil or less, 1 insertion.....\$1 50  
For each subsequent insertion.....50  
For double column advertisements, or advertisements to occupy a fixed place, 50 per cent. additional.  
Local notices 20 cents a line each insertion.  
Liberal contracts can be made for large advertisements to be inserted more than once.

SATURDAY.....DECEMBER 2, 1871.

## THE TESTIMONY QUESTION.

Among the questions which will come before the General Assembly at its approaching session there is none which should engage earlier or more earnest attention than that of amending the laws relating to testimony. Our whole system of laws and jurisprudence having been derived from the common law of England, it will be found that we have adhered in some respects to the system from which we drew our earlier instruction, and upon which we modeled our own laws long after they have been discarded in the mother country. In no respect is this more striking than in the subject of testimony. While, almost simultaneously with the adoption of our new Constitution, we remodeled our system of pleading and substituted for the more cumbersome practice of the English the revised code, which has since been adopted in many other States, and is regarded as a valuable reform in this department, in regard to the laws regulating the qualification of witnesses, we have made no corresponding advance, occupying almost the same position we have had since our organization as a State.

The principle which distinguishes the progress of the science of law in this respect is, that while, formerly in countries and States where the common law obtained, a witness was disqualified on account of interest in the pending cause, the tendency has been, under the more general diffusion of intelligence, to remove all barriers and to permit every one to testify in any cause, whatever the relations of the parties, either as regards interest in the pending cause or connection with the litigants or accused. In Great Britain, which has for centuries clung to the restrictive practice, the law has been substituted for the old system, and the result has amply vindicated the wisdom of the reform. The object of all human inquiry is truth, whether the investigation be made by the individual pursuing his studies by books, observation, and inquiry, or with the organized forms of a court, with a judge or jury to weigh the facts adduced, and to arrive at a just estimate of their worth. In the former case, the wise man would reject no evidence bearing upon the subject of his research, reserving to himself the discretion to attach to each item the weight to which its intrinsic merit, compared with all the controlling and modifying circumstances, should entitle it. Reason and analogy both suggest that a similar rule should prevail in courts, and when this stands sanctioned by the enlightened experience of other States and other countries, it is well for us to consider whether we will not enlarge the sphere of testimony making credibility and not competency the test.

This general view of the case would be sufficient reference to the subject without entering into other details, were it not that the changes in the relations which the white and black races bear to each other, as the result of the war, render it specially necessary for the cause of justice and the good of all classes in society that the power to testify in all cases should be extended to negroes. The main reasons why the negro in a State of slavery was regarded in law incompetent to testify was, first, that he was held as a chattel and not a legal person; and secondly, that his will was so much in subordination to that of his master as not to be a free agent. But with his emancipation from servitude he has ceased to be a chattel, and has, not only by the act of his liberation, but by statute of the Commonwealth, been recognized and invested with all the attributes of a legal personage. In a state of slavery he could hold no property, make no contract, or bring no suit. In 1866 the General Assembly conferred these rights, and in these respects placed him upon an equality with the white race. Recognizing further the necessity of a law for the better protection of this hitherto dependent class from maltreatment, in which they had been before made secure through the protection of their masters, the General Assembly enacted that in case of an assault actually committed or reasonably apprehended, a negro could, upon proper affidavit, procure the arrest of the offender, though white, and have him bound over to keep the peace or held for further examination. This is the law now; and had the General Assembly at that time made negro testimony competent in all cases, it would have been but carrying by a single step the principle recognized in the law then enacted. It failed, however, to do so at a time when the people were disposed to be less critical as to legislation upon the subject; and when, after a certain reaction, it came subsequently to be canvassed, it is not to be wondered that there should have been a strong popular opposition. It was natural and perhaps best that, failing to come as part of the actual changes wrought in our system by the war, it should come, as we hope to see it this winter, as the deliberate action of the General Assembly, sanctioned by the experience of the people. Thus enacted it will have infinitely more practical good than if thrust several years ago upon a people who regarded it as assent that the effect of the condition of long servitude should wear out before the change should be tried.

Such changes, when left to the natural forces, always come slowly, and whatever temporary inconvenience to society ensues from delay, result in greater good from having been wrought by natural causes rather than as the work of sudden or extraneous forces.

Time has demonstrated the necessity of the change upon grounds higher than mere expediency, and in providing for it by law the Legislature will, in our opinion, be but recording the mature judgment of the great body of intelligent minds throughout the State. Gov. Leslie, we doubt not, will recommend such a step in his message.

It is not often that Frankfort is honored with a visit and a speech from a Presidential candidate, and hence the announcement that the all-pervading, self-acting, double-cylindered, chain-lightning orator, statesman, and poet, George Francis Train, would speak at Major Hall on Tuesday night, has created a great excitement in all the region hereabouts. Nothing like it has been known since the last circus was announced, and everybody who knows anything about Frankfort and the surrounding country, knows full well that when any one can get up a future equal to a circus he must have a very strong hold upon the affections of the people. It is to be regretted that Mr. Train speaks at night, or that he had not come before winter set in. Had he arrived while the weather was still balmy, he could have spoken in the day time, under an arrangement which would have enabled the whole town to have heard him. With Fort Hill or the Devil's Backbone for a rostrum, the whole valley on both sides of the river could have been converted into an auditorium, without any squabbling for reserved seats. Those a little thick of hearing, who might not have been able to catch his enunciation clearly, would just as well have understood the import of his discourse from his inimitable gesticulation, as no position could be more admirable for a speaker in this respect, with the unobstructed sky behind him to set off his outline, and give force to every gesture. But we must console ourselves with the reflection that we cannot have everything as we would. The inclemency of the season prohibiting the arrangement to which we have referred, we must be content with the more limited accommodation of Major Hall. By judicious packing it will seat twelve or fifteen hundred persons, and we must rely upon the well conceived idea of charging an admission fee to suppress some of that exuberant enthusiasm which might otherwise threaten serious consequences in its eagerness to hear the eloquence of this modern Demosthenes. In view of this restricted accommodation, it will be useless for the railroad to run extra trains from Louisville, Lexington, or the intermediate stations.

## THE DEMOCRATIC PARTY.

In the sense of feebleness, it is not weak. It is a large, strong, vigorous organization. It numbers in its ranks among the best of the land. It is not scattered or demoralized by defeat. It has for its chiefs the ablest and most patriotic men in the nation. Its creed rests upon the very foundation of all good government, and is the only chart by which a republic can be steered. The Democratic party is simply outnumbered. The spirit of the war leaves it still working among the masses—the impetus the Radical party got by the war has not yet ceased to act, and the prestige it acquired by a suppression of the rebellion has not yet become dim. It holds the vantage ground. It is in power. Its adherents and tools swarm in every branch of the public service. It dominates in Congress and in the State Legislatures. It holds the purse in one hand and the sword in the other. All the agencies of power it possesses are used unscrupulously and systematically to retain and extend its reign. To dislodge and defeat this party is to save whatever of freedom we have left—to lead the people back to a government of law, regulated by the checks and balances of a wise Constitution—to restore the disturbed equilibrium between State and Federal power, and to resist the encroachments of centralization, has been the aim of the Democratic party, and nobody has it battled to attain its end, being overpowered by the force of numbers, it has failed to achieve success.

There are discussions and suggestions in the journals as to what part this great party shall enact in the coming Presidential contest. Some are urging a straight-out fight under the old banner, and some "masterly inactivity." There is time enough yet to determine what the party will do. It will be about a year before the Presidential campaign comes on. There is no need of hurry and haste. Nothing should be rashly done, and no premature or inconsiderate pledges given. With organization unbroken and defiant, with heartiness to the right and undiminished by disaster, the Democratic party will watch the progress of events, and by them shape its course. One thing is certain, that come what may, it will abandon no principle and make no condition that requires a renunciation of its faith. It will always be found on the side of constitutional government, working for reform, for economy in the public expenses, for equal privileges and equal taxation, and against corruption, tyranny and centralism.

—Mt. Sterling Sentinel.

## THE DAVIESS COUNTY LAWYERS.

At a meeting of the members of the bar and judicial officers of Daviess county, at the court-house in Owensboro, on the 25th day of November, 1871, Judge George W. Triplett was chosen chairman and J. A. Munday secretary.

The object of the meeting being explained, on motion of Judge Stuart it was ordered that a committee be appointed to draft resolutions expressive of the sense of the meeting. Judge James Stuart, W. T. Owen, Esq., Col. J. H. McHenry, and Messrs. C. Riley and J. Z. Moore, having been appointed said committee, reported the following resolutions, viz:

Resolved, That we approve the call made for a convention of the judicial officers and lay in this Commonwealth at Louisville on the 15th of December, 1871.  
Resolved, That the entire bar in this (Daviess) county are appointed delegates to said convention, without instructions as to the action they shall take in said convention.  
Resolved, That we request said convention to consider the propriety of an annual convention of the bar of Kentucky, supposing, as we do, that the deliberations of such a body will aid to such reforms of law as the necessities of society may from time to time suggest.

Which were adopted.  
And then the meeting adjourned.

G. W. TRIPLETT, Chairman.

J. A. MUNDAY, Secretary.

RAILROAD TRAIN.—On last Tuesday morning the teams belonging to Bibb & Pabier, which have been at work on the C. & O. R. R., passed through this place, on their way to Lexington, between which city and Catlettsburg they are to go to work on the L. & E. S. R. R. There were some thirty or more of them in the train.

On the 16th several more teams belonging to the same firm passed through this place in the same direction.—Big Sandy Herald.

## LETTER FROM JNO. QUINCY ADAMS—HE FAVORS THE PASSIVE POLICY.

(From the St. Louis Republican, Nov. 29.)  
QUINCY, MASS., November 15, 1871.

A. Warren Kellogg, Esq.:

DEAR SIR: I received to-day your letter asking my opinion upon the proposition of the Missouri Republicans that the Democratic party abstain from making any nomination for the next Presidency, provided they are assured the Liberal Republicans will go forward and nominate a candidate in opposition to the present incumbent. I am satisfied that such a course would be wise and patriotic, and I should be glad to see the Democracy concur in such a resolution. I regard the present administration as a national calamity, a continuation of which should be averted at almost any sacrifice; not because it is Republican in politics, but because it is mean in character, sordid in tone, ignorant, corrupt, and arbitrary. Because more than any we have had, it has disappointed the hopes and dashed the generous aspirations of good men of all parties. Because it is doing more to permanently disunite the States than the Government of Jefferson Davis ever did. Because its chief can conceive of no means of free government but military force, and no motive of public action but private profit. Four years more of such an education in family patronage and martial law, and so soon the sensibilities of popular liberty that our ignoble incursions might as well remain a fixture.

Now, I believe that the Democratic party is powerless alone to relieve us. I think it is without hope of carrying the next election. But if there be a sanguine man who still hopes, even he is sane enough to know that the thin shadow of his faith would fade if he did not reckon in his roll the States lately in rebellion, and now liable to martial law, or some of them. But the votes of these States will be really at the disposal of the party which controls Congress to count or reject, because in regard to those States, unappreciated public opinion at the North is so balanced that a resolution adopted by Congress to reject their votes, by reason of alleged fraud or violence perpetrated upon a part of their constituency, would not be a manifest outrage upon decency and free government. Men of respectability and character might be found to defend it. Public sentiment would not instantly spring erect to make it infamous. It is possible that this thing may be done, because men seldom feel the tyranny of their own party to be despotism. It is probable, however, that if necessary, because the same feeling of an urgency existing to subvert a threatened reaction, that has reconciled myriads of good citizens to the manifest violations of the whole spirit of our institutions which mark all the road from 1865 to the present day, can be relied upon to suffer one crowning necessity more. It would be with us as it was in the ancient days when the Greek democrats determined to reject the offer of the Persian king to let them be ruled by a tyrant. I have no doubt that if the votes of any of the States I have referred to were necessary to elect the Democratic candidate, they would be thrown out in counting. A mere majority, even if it could be mustered, will not be permitted to elect a Democrat to be the next President. Nothing will then remain but civil war, and that war would no longer look upon the opposition as the mere stalking-horse of a prowling rebellion, watching his chance to bring in a "white man's Government." It might concentrate a force of public opinion which would suffer no tampering with the vote, and combine the scattered suffrages which, united, would dispel the dull domination at Washington, and install a fit man in the White House.

But, while I frankly avow my partiality for the project, I do not blink the very serious obstacles to its adoption. It must subvert the pride of party and break the bands of party discipline. Now, there are few more obstinate passions than the sentimental devotion which men offer to that vague abstraction, party glory; and not many of the decreed allegiances are so deeply seated as "platforms." It will be a difficult task to bring a party yet glowing with the recollection of a mighty past, and but now burning with anticipations of a great future, to yield the head of the column and the command of the field to allies who were yesterday enemies. Nor is there any strong guarantee that those allies will not flinch at the last. Can you who are selected to be the moral courage which can abide unshaken the stern pressure that forbids the rupture of parties. But if they dare fling down the gauntlet for a duel to the death with the President, it might be possible for the Democracy to rise to the height where the humiliation of the partisan is lost in the satisfaction of the patriot.

But it is charged that the sacrifice will be vain, or worse—will surrender the whole scheme of Democratic liberty, law and bond, to its enemies. I do not so forbode the event. I can not believe that the protest against a dictatorial Government can not be weakened by joining a band which deserves it because it is hostile to civil liberty. Will enemies of corruption-in-office disband because they unite with those who have sinned? Will the high moral courage which can abide unshaken the stern pressure that forbids the rupture of parties. But if they dare fling down the gauntlet for a duel to the death with the President, it might be possible for the Democracy to rise to the height where the humiliation of the partisan is lost in the satisfaction of the patriot.

It seems to me, on the contrary, that the strength of the support which this movement would bring to the rescue of the principles of Democracy would be in exact proportion to the severity of the blow to the pride of the Democratic party. For those principles must be dear indeed to men who can abandon for them an ancient and honored name, and not less precious to those who dare to follow them, even through the scorn, contempt and obloquy which await political treason.

For my part, I shall be glad to humbly help the cause of any Government, so long as its views be elevated, its action intelligent and pure, and its guide the Constitution, no matter by whom it may be administered.

You are at liberty to make such use as you may think proper of this letter, provided, always, that you let it be clearly understood that I profess to speak for no one but

Your obedient servant,

J. Q. ADAMS.

(From the N. Y. World.)

## THE APPROACHING SESSION.

Congress is to meet next Monday, and the President's message will doubtless be sent in on the same day. There is no reason to expect much valuable or important legislation at the session which immediately precedes a Presidential election. The members will be so occupied in shuffling and stocking the Presidential cards, that little else will be done. There will, perhaps, be some reduction of taxes; but only because this will be deemed a good electioneering manoeuvre. There is no sound reason for reducing the taxes now which has not equally existed ever since President Grant came into office; and if his supporters tardily do something of the kind, it will be merely for electioneering boast or party buncombe, not to relieve the people from burdensome exactions.

The professed object of the merciless taxation under which the country has so long reeled, was to facilitate the refunding of the national debt at low rates, and the report of his first annual message, President Grant said this design was to procure new loans at four and a half or four per cent., and that as soon as that was accomplished the burden of taxation ought to be lightened, a relief which he expected at the then next session of Congress. That next session came and went, and another session is now at hand, and yet the report of converting the debt into four or four and a half per cent. bonds, is as remote as on the day when that first message was sent in. The high taxes which were admitted to be unjustifiable on any other expectation, are utterly

condemned by the failure of Secretary Boutwell's new loans. The eighty millions, not of four per cent. bonds, not of four and a half per cent. bonds, but of five per cent. bonds, which he tried or pretended to negotiate last summer, are quoted in London below par. The takers, if the transactions were real, have been badly bitten, or else they have been made whole by the concession of illegal advantages on the part of Mr. Boutwell. A committee of Congress seems to investigate those dark and underhand negotiations. A party Congress may not consent to a committee; but that should not deter any honest member from moving one. If Boutwell's friends refuse it, that fact will be evidence that, in their and his opinion, it would be damaging, and a virtual confession that he has violated the law and ought to be impeached.

But no committee of investigation is needed to demonstrate that this absurd financial policy so obstinately pursued by this administration is a flat and humiliating failure. The London stock list is open to everybody, and the price of Boutwell's new five per cent. loan tells its own story. Every promise and prediction of the advocates of high taxes has been ingloriously falsified. In Grant's first message this country was promised that if it would submit to high taxes for a very brief period, the interest on the public debt would be reduced to four and a half or four per cent., and that the people should then be eased by a double relief—a reduction of interest on the debt, and a reduction of taxes. The blundering want of foresight is so apparent, that Grant's partisans cannot avoid making some atonement of taxes if they hope to re-elect him.

We expect nothing else of any value during the coming session. Nothing will be done to restore specie payments, although Grant in his first message insisted on the great importance of taking early steps to that end. The fact that nothing has been done, or even attempted, is another glaring proof of the incompetency of this administration to deal with pressing practical questions.

Nor will anything be done at the approaching session to revive our prostrate navigation. In every message which Grant has sent to Congress he has furnished materials for convincing his administration of ineptitude by setting forth the great importance of doing without delay what has not been at all, and will not be done until we have an administration of more vigour, capacity, and inventiveness.

Quite as little will be done at this session to restore good feeling in the South by a general amnesty, as, as in so many other things, the administration of General Grant is condemned by what he has put on record with his own pen. "Let us have peace" was the motto he inscribed on the Republican banner when that party made him its candidate. It had reference to the internal condition of the country after the civil war; it was a promise that, if elected, he would restore the old kind of fraternal feeling between the South and the North. It is needless to say what a bitter burlesque he has made of that hopeful motto. Congress has conferred on him, at his instance, power to establish martial law throughout the Southern States, and the iron heel is now on the necks of a part of the Southern people, with daily threats to extend the system. Grant's prophetic description of his administration as dreams something more, by contrast. He has not brought the "peace" which he heralded, but a sword.

His foreign policy has not been, in all respects, quite so scandalously bad as his domestic. Its only redeeming feature is Secretary Fish's treaty, of which Grant will, no doubt, make a great boast in his forthcoming message. But all bragging on that head will be premature until the commissions, appointed under the treaty, have acted and the appraisers have given their award. In all other points of foreign management Grant has done nothing but blunder. Witness Santo Domingo; witness the illegal detention of the Spanish gunboats; witness the sending to Madrid such a minister as Sickles, and to London first Motley, with whom he had a scandalous quarrel, and then Schenck, whom he will have to recall in disgrace. It is only specimens we give, not a catalogue; but there is enough in the specimens to justify a vigorous Congressional scrutiny into every part of the administration, foreign and domestic. If honest members can succeed in getting genuine committees of investigation, not whitewash committees, the exposures of the water may prevent even the nomination of General Grant.

Ashtand distillery, situated in Lexington, the property of Turner, Clay & Co., was purchased last Friday, by Wm. Farr, of Paris, and Hon. T. J. Kiebbelen, of this county, for \$15,000. The property, says the Observer and Reporter, cost \$54,000, originally.

## NEW ADVERTISEMENTS.

## NOTICE.

I HAVE IN MY HANDS FOR COLLECTION the accounts of JOHN T. GRAY, Agent. All persons indebted to him will come forward and settle immediately, or I will proceed to collect said accounts by law.

W. L. JETT.

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HAS SECURED THE SERVICES OF A GOOD and experienced Cook, and is prepared to furnish the citizens of Frankfort and visitors with

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Upon the shortest notice, at reasonable terms, at all hours.

## THE BAR,

In connection with the Restaurant, is supplied with the best Anderson County Whisky, best brands of Brandy, Wine, &c., and choice Cigars.

At his

## MARKET STALL

Can always be found Fresh Game, Oysters, and Vegetables of all kinds, at the lowest prices.

Oysters \$1 00 and \$1 25 per can. dec2-3m

**DR. W. H. HALL,**  
AT HIS  
CENTRAL DRUG STORE  
ST. CLAIR STREET,

Keeps constantly in store  
PURE AND FRESH DRUGS,  
MEDICINES, CHEMICALS,

AND  
Pharmaceutical Preparations,

From the best Manufacturers;  
Patent Medicines,

In great variety;  
First-class Toilet Articles; French, English, and American Perfumery.  
Soaps, Brushes, Combs, India Rubber Goods, No. 1 Pocket Knives and Razors, Paints, Oils, Varnishes, &c.; Dye Stuffs;

Old Brandy (Hennessy & Co's, and vine-tages of California), Gin, Rum, and Pure Old Whisky for

MEDICINAL and DOMESTIC Purposes.  
Best brands of  
Cigars and Tobacco.

Great care and attention given to the Dispensing and Compounding of Physicians' Prescriptions. dec2-1m

## NEW ADVERTISEMENTS.

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BAILED HAY ON HAND AND TO ARRIVE.  
For sale at lowest market rates by  
GEO. B. MACKLIN.

nov3-1f

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A GOOD SUPPLY OF ALL KINDS ON HAND and for sale at lowest market rates by  
GEO. B. MACKLIN.

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KENTUCKY CODE, By Hon. John E. Newman. Price, \$7.50.

SEVENTH VOLUME OF BUSH'S REPORTS,  
Price, \$6.00.

Just issued from the press and now ready for delivery, either of which will be sent postage paid, on receipt of the price.

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FOR THE  
COURTS OF RECORD IN KENTUCKY

Enables us to assure the  
Clerks, Judges and Sheriffs,

Of the State that we manufacture the very best  
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WE KEEP CONSTANTLY IN STORE.

And print to order, all kinds of  
LEGAL BLANKS,

Necessary to the full compliance with all the  
Laws of the Commonwealth.

We take Orders of Allowance by the  
Courts, and Claims against the State, in payment for books and blanks. nov3-3m

**C. KETCHUM,**  
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Between Second and Third, Louisville, Ky

WHOLESALE AND RETAIL DEALER IN  
CARPETS, OIL CLOTHS, SHADES,  
LACE CURTAINS, REPS AND  
DAMASK.

All of which will be sold at the very lowest  
Cash Price!

nov25-3m

**CHAS. J. CLARKE**  
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OFFICE WEISIGER BLOCK,  
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nov11-1y

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Hotel and Restaurant,  
European Plan.

Fifth Street, between Main and Market,  
LOUISVILLE, KY.

CHAS. C. RUFER, - - - PROPRIETOR.  
nov25-3m

**Unquestionable Security**  
Fire, Marine and Life Insurance.

The following reliable Companies are represented at my office, and have assets, after paying Chicago losses, as below:

UNDERWRITERS' AGENCY, of  
New York, - - - - - \$3,000,000

ETNA, of Hartford, Conn., - - - 3,000,000

ROYAL, of Liverpool (Gold), - - - 10,000,000

IMPERIAL, of London (Gold), - - - 8,000,000

PACIFIC, of San Francisco (Gold) 1,000,000

AMAZON, of Cincinnati, O., - - - 500,000

LIFE ASSOCIATION OF AMERICA,  
of St. Louis (Life), - - - 6,000,000

\$31,500,000

Business solicited at reasonable rates and despatched promptly and correctly.

E. HENSLEY, Agent,  
St. Clair Street, Frankfort, Ky.

nov7-1m.

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WATCH FREE to Agents to introduce articles that sell in every house. JATTA & CO., Pittsburgh, Pa.

## 8 O'CLOCK.

\$325 A MONTH.—Horse and carriage furnished; expenses paid; samples free. H. B. SHAW, Alfred, Me.

nov3-1f

RIFLES, SHOT-GUNS, REVOLVERS.

Gun materials of every kind. Write for Price List, to Great Western Gun Works, Pittsburgh, Pa. Army and Navy Revolvers bought or traded for. Agents wanted.

\$100 to 250 per month guaranteed sure to Agents everywhere selling our new seven strand White Flannel Clothes Line. Sells readily at every house. Samples free. Address the GILKAD WIRE MILLS, Philadelphia, Pa.

Hats, Caps, Belts, Shirts, Badges, Trunkets, &c. for Service and Parade. At the old Manufactory, 123 Grand Street, N. Y. C. H. CAHNS & BRO., lat H. T. Gratacap. Send for circulars.

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We will send a handsome Prospectus of our New Illustrated Family Bible, containing over 200 fine Scripture Illustrations, to any Book Agent, free of charge. Address, NATIONAL PUBLISHING CO., Philadelphia, Pa., Atlanta, Ga., or St. Louis, Mo.

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